

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING

April 29, 2003

DRAFT: NOT APPROVED BY BCC
ANTICIPATED DATE OF APPROVAL: MAY 13, 2003

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thaell, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, Assistant County Administrator Vince Long, Deputy Clerk Bill Bogan, Jr., and Secretary Mary E. Headley. The meeting was called to order at 5:00 p.m.

Invocation was provided by Rev. Joseph E. Clemmons from Praise Cathedral Church at the invitation of Commissioner Cliff Thaell followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- Resolution Designating "Florida State Parks Month—May 2003."
- Resolution for Captain Steve Bodiford on his Retirement from the Leon County Sheriff's Department after 30 Years of Service.

Consent

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried 6-0, (Commissioner Proctor out of chambers) to approve the following Consent Agenda with the exception of Items 7, 8, and 12, which were addressed as described:

1. Approval of Payment of Bills and Vouchers Submitted for April 29, 2003 and Pre-approval of Payment of Bills and Vouchers Submitted for April 30 through May 12, 2003

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for April 29, 2003: \$5,590,562.88

2. Consideration of a Communication/Public Relations Media Plan to Summarize Tax and Revenue Related Topics

This agenda item seeks Board consideration of a communication/public relations media plan to summarize tax and revenue related topics.

The Board Approved Option 1: Direct staff to utilize the County Link in the *Tallahassee Democrat* to advertise additional tax and revenue information.

3. Approve Transfer of \$18,600 from Law Enforcement Trust Fund to the Sheriff's Department General Operating Budget for the Funding of the Law Enforcement Certificate Program and the Drunk Driving Prevention Advertising Campaign.

The Sheriff has requested that \$18,600 be transferred from the Law Enforcement Trust Fund to his General Operating budget for the funding of the Law Enforcement Certificate Program and the Drunk Driving Prevention Advertising Campaign.

The Board Approved Option 1: Approve the transfer of \$18,600 from the Law Enforcement Trust Fund to the Sheriff's Department General Operating budget for the funding of the Law Enforcement Certificate Program and the Drunk Driving Prevention Advertising Campaign.

4. Approval to Reallocate Budget for Tourist Development Council's Public Relations Services

This agenda item seeks approval of a contract addendum, which reallocates the budget for the Tourist Development Council (TDC) Public Relations Services with The Zimmerman Agency.

The Board Approved Option 1: Approve contract addendum reallocating \$6,000 from the Production section to the Services section of the budget for TDC Public Relations Services with The Zimmerman Agency.

5. Acceptance of the FY 2003, First Quarter Report from the Tourist Development Council

Acceptance of the First Quarter, FY 2003 status report for the Tourist Development Council (TDC) to the Leon County Board of County Commissioners.

The Board approved Option 1: Accept the First Quarter, FY2003 Status Report for the Tourist Development Council.

6. Acceptance of the First Quarter Status Report on the 2003 Board Retreat Priorities

Board acceptance of the first quarter status report (January-March) on 2003 Board Retreat Priorities and Administrative Issues

The Board approved Option 1: Accept the first quarter status report on the 2003 Board Retreat Priorities and Administrative Issues.

7. Approval to Award Bid for the Construction of Seven (7) Additional "Disabled Permit Only" Parking Spaces on Calhoun Street to Concrete Services in the Amount of \$22,616

Approval of bid award for the construction of seven (7) additional disabled only parking spaces around the County Courthouse to Concrete Services in the amount of \$22,616.

There was no discussion on this item.

Commissioner Sauls motioned and Commissioner Winchester seconded Option 1: Approve the bid award for construction of the seven (7) additional "Disabled Permit Only" parking spaces on Calhoun Street to Concrete Services for \$22,616. The motion passed 6-0 with Commissioner Proctor out of chambers.

8. Approval to Award Bid for a Full-Service Maintenance Agreement for the Courthouse and Library Chillers to York International

Approval to award bid for a full-service maintenance contract for the A/C chillers at the Courthouse and LeRoy Collins Library to York International

After a clarification was made on this item, Commissioner Thael motioned and Commissioner Maloy seconded Option 1: Approve the bid awards and authorize the full-service maintenance agreement with York International. The motion passed 6-0 with Commissioner Proctor out of chambers.

9. Ratification of Actions Taken at the April 8, 2003 MIS Technology Update Workshop

This agenda item seeks approval to ratify actions taken at the Board's April 8, 2003 Leon County MIS Technology Update Workshop.

The Board approved Option 1: Ratify Board action taken at the April 8, 2003 Leon County MIS Technology Update Workshop to accept the status reports as presented and approve the MIS Strategic Plan for 2003-2005.

10. Update on the Bradfordville Agreements

This item seeks acceptance of the update on the status of the Bradfordville Settlement Agreement.

The Board approved Option 1: Accept the status report on the Bradfordville Settlement Agreements.

11. Clarification and Additional Information Regarding the Boundary Settlement Exempt Subdivision Process

To provide the Board of County Commissioners additional information and further clarification regarding the implementation and enforcement of the Boundary Settlement Exempt Subdivision process.

The Board approved Option 1: Accept the staff report that provides further information and clarification regarding the Boundary Settlement Exempt Subdivision process.

12. Approval of the Lake Lafayette Watershed Study Contract Extension to October 31, 2003 with Environmental Research and Design, Inc.

The contract period for performing the Lake Lafayette Watershed Study will expire on April 30, 2003. To continue work on the study, the contract period needs to be extended.

Chairman Grippa noted that contract extensions should be placed under "General Business" on the agenda rather than under "Consent."

Commissioner Grippa wanted more information about the delays in this project. Gary Johnson, Director, and John Kraynak, Community Development, explained that the vendor was behind schedule, not only on this project with the County but also on City projects. However, the County does not have a problem with it at

this time. It would cost more to start over again with another vendor.

Commissioner Thaeil confirmed with the County Attorney that liquidated damages penalties could be assessed against the vendor for delays. County Attorney Thiele advised that this could be written in the contract extension and in construction contracts noting that the County does have a clause in the contract regarding penalties and times frames.

Commissioner Rackleff motioned for this item to be continued for two weeks, until May 13, 2003. Commissioner Sauls seconded the motion. The motion passed 6-0 with Commissioner Proctor out of chambers. The Board requested that Mr. Harper from ERD come before the Board and that the County Attorney look at penalty clauses in the extension agreement.

13. Authorization for County Administrator to Acquire Real Property by Accepting Offers Received from Owners to Sell Flood-Prone Real Property located within Harbinwood Estates Drainage Improvements Project Area

Staff is requesting Board authorization for the County Administrator to accept offers received from owners of flood prone properties located within the area of the Harbinwood Estates Drainage Improvements Project and to approve and execute any and all documents necessary to acquire those parcels in accordance with Board Policy 03-01, Section 5.b., Acquisition of Real Property not under Threat of Condemnation.

The Board approved Option 1: Authorize County Administrator to accept the offers from the Owners of the flood prone properties located within the Project area, and to direct staff to acquire the properties, in accordance with Board Policy, for a price not to exceed the appraisal amounts as set forth above.

14. Approval of the Plat of Monterrey Pines (a Private Residential Subdivision) for Recording in Public Records and Acceptance of a Two-Year Maintenance Agreement and Surety Device

The developer, Western Wave Corporation, whose president is Richard L. Geshwiler, requests the Board to: (1) approve the plat of Monterey Pines for recording in the public records of Leon County and (2) accept a Maintenance Agreement and Surety in the amount of \$11,022.18.

The Board approved Options 1 and 2: (1) Approve the Plat of Monterey Pines Subdivision for recording in the public records of Leon County and (2) Accept the Maintenance Agreement and Surety in the amount of \$11,022.18.

At this time the Commissioners discussed Item 18, which was pulled from the agenda.

Citizens to Be Heard on Non-agendaed Items (3-minute limit; non-discussion by Commission)

- Larry O. Rivers, 2145 Trescott Drive, FAMU Student President, appeared with others to emphasize that Innovation Park was to attract and educate minorities and women in the field of engineering and was to involve equal partnership between FSU and FAMU who are the major stakeholders. Mr. Rivers stated that he would welcome the Board conducting a meeting at FAMU's Grand Ballroom.

At this time the Commission went to Public Hearings

General Business

15. Consideration of Proposed Settlement in Centerville Rural Community Association Cases

Consideration of proposed Settlement Agreement for all cases involving the Centerville Road Community Association, Inc. (CeRCA), including the recent challenge to a plan amendment repealing Goal 8 of the Tallahassee-Leon County Comprehensive Plan.

Commissioner Grippa outlined the accomplishments in the Bradfordville cases.

Pamela Hall, 5051 Quail Valley Road, spoke to encourage the commission to vote unanimous to approve this item. She indicated that the most important aspect was to keep the look and feel of a rural community and to protect the environment.

The Board engaged in some discussion regarding Baker's Place development and the road concurrency.

Commissioner Winchester motioned, and Commissioner Sauls seconded Option 1: Approve settlement Agreement and direct staff to commence drafting of necessary ordinance for potential

implementation of the settlement conditions. The motion passed 7-0.

The Board proceeded to Item 22 at this time.

16. Acceptance of the FY 02/03 Mid-Year Financial Report and Preliminary FY 03/04 Revenue Estimates

In accordance with County Policy, the Office of Management and Budget (OMB) prepares for the Board a mid-year Financial Report. The report also includes the preliminary FY03/04 revenue Revenue estimates to be utilized in the development of the FY03/04 budget.

The commission questioned the income from investments and Alan Rosenzweig, Director of Office of Management and Budget, explained that the Investment Oversight Committee (IOC) chose a conservative route in investments due to corporate concerns. He noted that the IOC would be meeting again in July 2003 to reconsider their investment options and would bring recommendations to the Board.

Commissioner Maloy motioned, and Commissioner Thael seconded Option 1: Accept the Mid-Year Financial Report and Preliminary FY03/04 Revenue Estimates. The motion passed 6-0 with Commissioner Proctor out of chambers.

17. Consideration of a Mid-Year Funding Request for Tallahassee's Urban League's 33rd Annual Dinner and 34th Anniversary

This item seeks Board consideration of a mid-year funding request for Tallahassee Urban League's 33rd Annual Dinner and 34th Anniversary from the General Revenue Fund Contingency.

Commissioner Maloy motioned and Commissioner Sauls seconded Option 1: Approve the allocation of \$1,000 for Tallahassee Urban League's Annual Dinner from General Revenue Fund Contingency.

The motion passed 6-0 with Commissioner Proctor out of chambers.

18. Adoption of a Resolution to Expand Membership of the Leon County Research and Development Authority

This agenda item presents information on the background, current status and future plans of Innovation Park, including the potential

for a "University Park" in Leon County and presents a Resolution to expand the membership of the Leon County Research and Development Authority from seven members to eighteen members.

Chairman Grippa announced that he had pulled this agenda item. He advised that he established a Task Force/Committee chaired by Tallahassee Community College (TCC) President Bill Law, that includes Tallahassee Mayor John Marks, FSU President T. K. Wetherell, FAMU President Fred Gainous, Research and Development Authority Chairperson Sylvia Jordan, Economic Development Council President Sue Dick and himself (Chairman Grippa).

Commissioner Thaell voiced concern over the process in establishing the Committee and felt that a majority of the members support the RDA.

Commissioner Rackleff suggested that the Board conduct a workshop to discuss Innovation Park, the RDA Board, the future of University Park, the roles of the stakeholders, etc, prior to establishing a group, so the Board can provide direction.

Commissioner Proctor reminded the Board of their trip to Raleigh, N. C. and what they had learned about the need to attract clean industry to the area. He asked the County Attorney if the committee had to meet in accordance with Government in the Sunshine and he answered in the affirmative.

Discussion ensued on the subject of the task force/committee and economic development.

Commissioner Rackleff moved, seconded by Commissioner Thaell, to conduct a workshop on this issue. After further discussion, Commissioner Thaell withdrew his second to the motion, therefore the motion was declared dead for lack of a second.

Commissioner Thaell then moved to schedule a County workshop to get direction from the task force and have a full debate. Commissioner Sauls seconded the motion, which passed 6-1 with Commissioner Rackleff opposed.

Chairman Grippa indicated later in the meeting that this item had been pulled.

The Board then went to Citizens-to-be-heard on Non-agendaed Items.

19. Analysis of a Proposed Redevelopment Ordinance for Board Consideration

This item provides a staff analysis of a proposed Redevelopment Ordinance for Board consideration that would amend Leon County's Land Development Code.

This item was pulled at the request of the Chairman and would be placed on a future agenda.

20. Authorization for Staff to Proceed with the Adoption Process for a Proposed Ordinance Sunsetting Vested Development Rights

This agenda item is to request the Board's approval to proceed with the ordinance amendment adoption process to provide for land development regulations that address the sunsetting of vested development rights.

Commissioner Thael moved and Commissioner Maloy seconded for Option 1: Authorize staff to present the proposed ordinance to the Planning Commission for a Comprehensive Plan consistency determination, and schedule the required two Public Hearings to consider adoption of the proposed Ordinance Sunsetting Vested Development Rights.

The Board engaged in a lengthy discussion and David McDevitt, GEM Development Services' Director, responded to commissioners' questions. Discussion ensued regarding the following: Number of residential and non-residential (commercial/industrial) properties the proposed ordinance would apply to; the effects of vested rights on the past/present/future widening of Capital Circle Northwest and Capital Circle Southwest, and would concurrency be an issue if Capital Circle Northwest is widened?

Chairman Grippa requested to see a graph of vested landowners that trips are being reserved for along Capital Circle Southwest.

Commissioner Proctor made a substitute motion, seconded by Commissioner Sauls, to conduct a workshop to understand the sunsetting provisions in the vesting element and to (1) find out who owns property along Capital Circle NW and SW; (2) find out about funding issues of widening Capital Circle Northwest and Capital Circle Southwest, and (3) any other relevant information that would help the Board decide who would be losing their vested rights. Commissioner Rackleff opposed the substitute motion

since he felt that people who own this property have had an opportunity to develop it.

The motion passed 5-2, with Commissioners Rackleff and Thaeil opposed.

21. Acceptance of the Blueprint 2000 Stormwater Project List

The Board is requested to approve the allocation of the \$5 million set aside for Leon County stormwater retrofit projects from the 2000 Sales Tax Extension and to accept the project list.

Theresa Heiker responded to questions raised by the commissioners on various projects on the list. There was considerable discussion and debate regarding list priorities involving: specific number of projects, the districts that the projects were located in, the need for the projects, costs and other issues.

Commissioner Rackleff suggested that the Board consider raising the stormwater fees in the near future to pay for maintenance of County-owned stormwater facilities. Commissioners Grippa and Proctor indicated that this was the first time that they had seen the list and they objected to some of the projects on the list.

Commissioner Winchester motioned, and was seconded by Commissioner Rackleff, for Option 1: Accept Blueprint 2000 Stormwater Project List.

Commissioners Grippa and Proctor suggested that staff bring back additional information (a B list) on right-of way/easement acquisitions which are broken into water quality projects requiring additional right-of-way, which is different from flood impacts. The list would include other stormwater maintenance projects that show the complete county inventory in need of retrofit or repair.

Commissioner Proctor offered a friendly amendment, accepted by the maker of the motion, to look into the possibility of the County working with the City regarding the water body at Silver Lake, between Orange Blossom Heights and Silver Ridge subdivisions. Commissioner Winchester indicated that he would work with Commissioner Proctor on this issue.

Commissioner Proctor made a substitute motion, seconded by Commissioner Maloy to schedule a workshop on this list. The

motion failed 3-4, with Commissioners Thael, Rackleff, Winchester and Sauls opposed.

The original motion passed 4-3, with Commissioners Proctor, Maloy and Grippa opposed.

The commission proceeded to item 23.

22. Approve Advance Funding of \$6,000,000 and Approve Resolution and Budget Amendment to Transfer \$4,500,000 for the Multi-Lane Reconstruction of State Road 61 (US 319/Crawfordville Highway) from Wakulla Springs Road to State Road 363 and Four Points Intersection

The Florida Department of Transportation (FDOT) has updated and revised their construction estimate for State Road 61 (US 319/Crawfordville Highway) from Wakulla Springs Road to Four Points and is requesting an additional \$6,000,000 for the advance funding of the multi-lane reconstruction project. FDOT has also determined the additional \$6 million could be scheduled for reimbursement in State FY 2008.

Carol Kio-Green, Sullivan Road, appeared and encouraged the Board to finally approve this item.

Mr. Gene Martin, from the Department of Transportation explained the issue and answered questions from the commissioners. They engaged in discussion regarding the probable completion of road projects on Mahan Drive and Capital Circle southwest.

Commissioner Rackleff opposed the issue saying that he felt the County was subsidizing and benefiting Wakulla County more than Leon County.

Commissioner Thael moved and Commissioner Proctor seconded Options 1, 2 and 3: (1) Approve the advance funding of the additional \$6,000,000 to allow the July 2003 letting for the multi-lane reconstruction of State Road 61 (US 319/Crawfordville Highway) from Wakulla Springs Road to State Road 363 Four Points Intersection; (2) Approve the Resolution and Budget Amendment Request in the amount of \$6,000,000 to realize \$1,500,000 repayment of excess funds for Mahan Drive Phase I and transfer funds from Buck Lake Road to Crawfordville Road Phase I.; (3) Direct staff to reappropriate \$4.5 million to the Buck Lake Road Project in the FY03-04 budget.

The motion passed 6-1, with Commissioner Rackleff opposed.

The commission then returned to item 16.

23. Expirations, Vacancies and Appointments to: Architectural Review Board, Canopy Oaks Recreation Council, Contractors Licensing and Examination Board, Fort Braden Community Center Board of Directors and Science Advisory Board

This item outlines the vacancies and status of the appointments on the above named committees.

1. Canopy Oaks Recreation Council: Commissioner Proctor appointed Jerome Johnson
2. Contractors Licensing and Examination Board: Commissioner Sauls deferred her selection until the next meeting.
3. Fort Braden Community Center Board of Directors: Commissioner Grippa appointed June Crutchfield
Commissioner Proctor reappointed Mary Allen.
Commissioner Thael reappointed Sam Bruce.
4. Science Advisory Board: Commissioner Proctor deferred his selection until next meeting.

Public Hearing

24. Continuation of First Public Hearing on the Proposed Ordinance to Provide for Additional Level of Review for Certain Land Development Proposals

This item is to conduct the continuation of the first of two Public Hearings on the proposed amendments to the Subdivision and Site and Development Plan Regulations Ordinance to provide for an additional level of review for certain land development proposals based on the project's anticipated off-site impacts.

Carol Kio-Green, 4823 Sullivan Road, gave the commissioners some LDR information and suggested that the commission review the proposals by special use and restrictions.

Becky Subrahmanyam, 1257 Cornerstone Lane, appeared and concurred with comments made by Ms. Kio-Green. She stated that there needs to be a better way to deal with land use concerns.

Commissioners discussed the length of time spent in these types of deliberations, generally 7-8 hours, and indicated that it was a quasi-judicial process. Commission meetings would need to be

restructured. The County Attorney stated that he had serious concerns with this ordinance. He recommended that the County not adopt the ordinance and allow him to develop stronger criteria in the site development and environmental review and bring back a more specific and objective ordinance that addresses uses of land that will require Board approval. He also suggested that the Board consider having evidentiary portions heard by a special master.

Commissioner Thael explained that the problem with the speedway was the underlying zoning conditions and considerations. The property was zoned years ago and extensive residential growth occurred in the area but the zoning stayed the same. There are many instances like this throughout the county.

Commissioner Maloy moved and was duly seconded by Commissioner Proctor to accept the County Attorney's recommendations and create a finite list of special exemptions and uses and develop stronger criteria in site development and environmental review. The motion carried 5-0, with Commissioners Grippa and Winchester out of chambers.

25. First and Only Public Hearing on an Ordinance to Impose a Public Service Tax

Pursuant to legal advertisement, the Board conducted the first and only public hearing on a proposed ordinance to impose a Public Service Tax. The ordinance will provide for a levy upon each purchase of electricity, water, and metered or bottled gas within the unincorporated areas of the County a public service tax in the amount of ten percent (10%). The ordinance will provide for the levy upon each purchase of fuel oil within the unincorporated areas of the County a public service tax in the amount of four cents (\$0.04) per gallon. The seller of the utility service will be responsible for collecting and remitting the tax to the County, and will be allowed a discount equal to the lesser of two percent (2%) of the taxes collected, or one thousand dollars (\$1,000.00), as compensation for collecting such tax. The proposed ordinance will set forth exemptions and audit procedures, and will authorize the promulgation of rules and regulations necessary for the reporting and payment of the tax. The ordinance will become effective October 1, 2003.

Commissioner Thael moved, seconded by Commissioner Maloy for Option 1: Conduct the public hearing and adopt the proposed ordinance.

Carol Kio-Green, 4823 Sullivan Road, expressed opposition to the Public Service Tax, stating that she did not see the relationship between the taxes and the fire services fees based on the benefits derived. She also felt that it would affect those persons who could least afford it.

Eugene Danaher, 10263 Thousand Oaks Circle, was opposed to the Public Service Tax, stating that he felt it was a stealth tax and more information needed to be in the agenda item. He also questioned the percentages and wanted to know why the seller receives two percent.

George E. Lewis II, 203 North Gadsden Street, #6, was opposed to the Public Service Tax, and stated many of his concerns and irregularities in this tax, including that this could not be deducted on homeowners' tax returns. Some concerns he mentioned were:

- Ordinance does not state whether or not the PST is tax deductible
- No reference to the impact if the County continued the Fire MSTU
- No analysis of what users might expect to pay (business versus residential)
- No analysis of how much money would be raised and expended

Mr. Lewis also indicated that the proposed ordinance contained errors and he raise the following concerns:

- Error in proposed ordinance on page 1, lines 29 and 30 "each and every purchase of . . . water." Does this mean that bottled water will be taxed?
- Error on page 3, line 10 "any recognized church for use exclusively for church purposes." What is the definition of "church" and does it include a mosque or synagogue? When it states "exclusively for church purpose," would it include the church location when the Supervisor of Elections uses it as a voting precinct?
- Error on page 4, lines 7 and 8: "The County and Clerk of Leon County are hereby authorized to promulgate and establish reasonable rules and regulations" Who in the County would establish reasonable rules and regulations and what is considered "reasonable?"
- Mr. Lewis suggested that the Board and County Attorney clear up/clarify the language in the proposed ordinance so the PST does not face unsuccessful challenges.

County Attorney Thiele explained that the proposed ordinance was written just as the Statute was written.

There was much discussion between commissioners and staff on the dollars affected by this change in distributing the cost for fire services and getting rid of the Fire MSTU. OMB Director Alan Rosenzweig advised that the PST would be used to pay for fire services. Commissioner Thaell provided background history of the debate and the reason the PST is replacing the fire MSTU (municipal services taxing unit).

Commissioner Thaell amended his motion to clarify that the ordinance not apply to the purchase of bottled water.

The Board requested staff to put together all expenditures that could go to this MSTU.

The motion, with the amendment, passed 4-2 with Commissioners Grippa and Proctor opposed and Commissioner Winchester out of chambers. When Commissioner Winchester returned, he stated that his vote should reflect the affirmative on this issue.

See attached Leon County Ordinance Number 03-10:

26. Conduct Public Hearing to Amend Chapter 8, Section III of the Emergency Medical Transportation Services Ordinance

Pursuant to legal advertisement, a public hearing was conducted on proposed amendments to chapter 8, Article III of the Emergency Medical Transportation Services Ordinance.

In September 20, 2002, Tallahassee Memorial Hospital (TMH) announced that it would discontinue its ambulance and LifeFlight services in Leon County effective September 30, 2003. Because of financial losses, TMH determined that they could no longer provide these services to the community. Pursuant to its home rule powers in Chapter 125, Florida Statutes, the Leon County Board of County Commissioners took the initiative by responding to TMH's announcement, and thereafter, conducted a workshop on October 22, 2002 to discuss the future provisions of ambulance service and LifeFlight services in Leon County. At the workshop, the Emergency Medical Services Advisory Council (EMS Council) was directed to study the issues surrounding the provision of these services. During the various meetings, Leon County staff discovered that the current Chapter 8, Article III of the Emergency Medical Transportation Services Ordinance is outdated. Sections of the ordinance relating to trauma services should be deleted entirely, while other areas need minor modifications to match the current practices and applicable law.

Mr. Bradford from TMH was present and responded to the Board's inquiries. He advised that TMH has lots its trauma center certification. Discussion ensued about transportation between TMH and Tallahassee Community Hospital (TCH).

Commissioner Thaeli asked why the EMS Council expressed concern that adoption of the ordinance might be premature since the County has not selected an EMS provider. County Attorney Thiele explained that the EMS conceded that the ordinance needs to be cleaned up now and that additional amendments to the ordinance would be necessary after the selection of the EMS provider.

Commissioner Thaeli motioned and Commissioner Maloy seconded for Option 1: Conduct the public hearing and adopt the ordinance, amending Chapter 8, Article III of the Emergency Medical Transportation Services Ordinance. The motion passed unanimously, 6-0, with Commissioner Winchester out of chambers. When Commissioner Winchester returned, he indicated

that his vote should be reflected in the affirmative on this item. See attached Leon County Ordinance Number 03-11:

27. Public Hearing and Adoption of Ordinance Authorizing the Issuance of Not Exceeding \$21,000,000 Capital Improvement Revenue Bonds, Series 2003, for the Purchase of the Bank of America Building and Courthouse Improvements

Pursuant to legal advertisement, a public hearing was conducted to consider the adoption of ordinance authorizing the issuance of not exceeding \$21 million Capital Improvement Revenue Bonds, Series 2003 for the purchase of the Bank of America Building and Courthouse Improvements.

J. Terry Ryan, 2538 Stone Gate Drive, appeared and expressed opposition to the purchase and felt it should have gone out for open bid. He questioned the relationship of the firms involved in the acquisition and the dollars needed to acquire and maintain this purchase. Other concerns he raised included: some tax-free and some not tax-free bonds; rate of interest on bond; loss of tax revenue; inadequate parking spaces; possible conflict of interest of TALCOR and Brown-Boutin.

During Mr. Ryan's presentation, Commissioner Thaelle asked for the Roberts Rules of Order to be invoked as to the germaneness of the issue. Commissioner Grippa asked Mr. Ryan to step down and to continue after others had spoken.

County Attorney Thiele advised on the Roberts Rules of Order issue. As a result, Chairman Grippa overturned the decision to stop Mr. Ryan's presentation. Commissioner Rackleff motioned to object and Commissioner Thaelle seconded the motion. The motion failed 2-4 with Commissioners Grippa, Proctor, Maloy and Sauls opposed (Commissioner Winchester was out of chambers).

Mr. Ryan continued and finished up his presentation.

Kim Dressel, Management Services Director, responded to various comments made by Mr. Ryan and provided background history of the BOA building.

Chairman Grippa requested that Assistant County Administrator Vince Long prepare a report on the issues alleged by Mr. Ryan regarding conflict of interest. The report would be delivered to the Chairman and copies provided to the rest of the Board members.

Eugene Danaher, 10263 Thousand Oaks Circle, stated that he was not aware that public hearings could have a gag order placed on discussions, referring to Mr. Ryan. He also spoke about the \$9.2

million in lost taxes because of businesses leaving the County and wanted to know why the Board was not discussing this issue. Mr. Danaher urged the Board to instruct the Economic Development Council to move forward in getting businesses to locate in Leon County.

Carol Kio-Green, 4823 Sullivan Road, spoke on revenue sources and stated that she did not think this issue was going to be addressed until June. She inquired about the potential purchase of the property adjacent to Tom Brown Park on Easterwood/Weems Roads.

The Commission discussed the debt service and the impact it would have on the upcoming County budget. OMB Director Alan Rosenzweig addressed the commission's questions about funding. He stated that there would be no impact on general revenue in next fiscal year; there would be an impact of \$1 to \$1.2 million per year, thereafter. The Capital Improvement Revenue Bonds will use up the line-of-credit and only \$5 - 10 million in bond lending capacity would be available. Mr. Rosenzweig advised that the financial advisors, auditors, and bond raters are okay with the issuance of the bonds.

Commissioner Thael motioned, and Commissioner Rackleff seconded Option 1: Conduct the first and only public hearing and adopt the ordinance (No. 03-12) authorizing the issuance of not exceeding \$21,000,000 Capital Improvement Revenue Bonds.

The motion passed 4-2, with Commissioners Proctor and Maloy opposed, and Commissioner Winchester out of chambers. Commissioner Winchester later indicated this his vote on this item should reflect in the affirmative.

See attached Leon County Ordinance Number 03-12:

A motion was then made by Commissioner Maloy, seconded by Commissioner Sauls to defer items 28 and 29 to the May 20, 2003, commission meeting. The motion passed unanimously, 6-0, with Commissioner Winchester out of chambers.

The commission then proceeded to Item 15.

28. Public Hearing on Abandonment of Sixty-foot Undeveloped Right-of-Way, Located on the Southside of Whitehouse Road Approximately 900 Feet South of Capitola Road

Pursuant to legal advertisement, a public hearing was scheduled on an Abandonment Resolution, abandoning a sixty-foot undeveloped right-of-way, located on the south side of Whitehouse Road, approximately 900 feet south of Capitola Road. Nell Corry initiated this application.

As stated previously, Commissioner Maloy moved, seconded by Commissioner Sauls to defer this item to the May 20, 2003 Commission meeting. The motion passed unanimously, 6-0, with Commissioner Winchester out of chambers.

29. Public Hearing on Abandonment of an Unnamed Sixty-foot Right-of-Way, Located on the Eastside of Arendell Way, Approximately 1,900 Feet South of Miccosukee Road

Pursuant to legal advertisement, a public hearing was scheduled to be conducted on an Abandonment Resolution, abandoning an unnamed sixty-foot right-of-way, located on the East Side of Arendell Way approximately 1,900 feet south of Miccosukee Road. Robert and Megan Altavilla, property owners adjacent to the north side of the requested area, initiated this application.

As stated previously, Commissioner Maloy moved, seconded by Commissioner Sauls to defer this item to the May 20, 2003 Commission meeting. The motion passed unanimously, 6-0, with Commissioner Winchester out of chambers.

Citizens to be Heard on Non-Agendaed Items

- Carol Kio-Green, 4823 Sullivan Road, referred to agenda item #19 and expressed concern about redeveloping urban services area, suggesting that there be limits placed on incentives for redevelopment in the urban services area. She urged the County to use previously developed sites for new businesses. Ms. Kio-Green also noted that

agenda items 25 and 27 are missing a lot of backup information. She requested that staff augment the agenda item, as the public does not have the resources to study the same materials used in workshops.

- Eugene Danaher, 10263 Thousand Oaks Circle, commented on Mr. Ryan's presentation, the faulty equipment in the chambers, tonight's long meeting, and the County's holiday schedule. He distributed information about government and private offices being open or closed on Good Friday. The Board requested that information on the State holiday schedule be brought back.

County Administrator

- Vince Long noted that County Administrator Parwez Alam would be back for the next Commission Meeting.
- Noted that the Florida Senate will break for three weeks, ending May 2nd and will be back in Special Session to address the items that were not finalized during the session and to adopt the State budget.

Discussion Items by Commissioners

Commissioner Thael

- Requested to schedule a workshop prior to the June 1, 2003, for presentation by the Cultural Arts Planning Advisory Council on their final report. (He was appointed as the Board's liaison to the Council.)
- Announced that the Chaires Recreation Council meeting will be held on to May 6th to hear plans about adding a soccer field to the Chaires Community Park. Commissioner Thael indicated that since the County is planning to build a regional park facility at the landfill, it would be more appropriate to place soccer fields at the regional facility and leave the Chaires Park a passive park. He remarked that the County did not set a precedent for all neighborhoods in the future to have active recreation facilities.
- Advised that an email was sent to staff. He requested that staff look into the short-listing minority bond underwriters in regards to Blueprint 2000.
- Announced that the Tallahassee League of Women Voters invites the public to attend a lunch discussion "A Medical School on a Mission" by Dr. J. Ocie Harris, Dean of FSU College of Medicine, on Wednesday, May 14th, 2003, 11:30 a.m.-2:00 p.m. at the Richards-Lewis Auditorium, Leon County Health Department, Orange Avenue. There is no charge for the meeting unless lunch is ordered.

Commissioner Proctor

- Requested that staff review the Silver Lake matter.

- Requested a resolution for outstanding citizens Robert Mungen and Millicent Holifield.
- Congratulated Chairman Grippa and Assistant County Administrator Vince Long for their efforts in the Miccosukee Community Park.
- Requested an update on the Woodville Park Town Meeting, issues and design.

Commissioner Rackleff

- Reported that there has been complaints regarding the lack of visible signage, approaching from the North indicating the location of the Courthouse. Commissioner Sauls advised that she has heard the same complaints.

Commissioner Winchester

- For the record, he indicated that his vote for agenda items 25-27 should reflect in the affirmative.
- Congratulated Chairman Grippa on the Bradfordville successes.
- Commented on Innovation Park
- Advised that he would help Commissioner Proctor on the Silver Lake issue

Commissioner Sauls

- Reported that she has been receiving calls about the lack of appropriate Courthouse signage.
- Advised that there were 700 acres located south of Oak Ridge Road, which is available for sale, and she has spoken with County staff Teresa Heiker, John Kraynak and Ned Cake about the property being purchased to address flooding concerns. It was noted that Teresa Heiker, County Stormwater Engineer, and Gary Johnson, Director of Community Development were aware of it.

Chairman Grippa

- Announced that he and his wife are expecting a second child
- Thanked all participants in the opening of the Miccosukee Community Park and requested a resolution to honor the people of Miccosukee
- Requested a resolution opposing the removal of the tariff on imported citrus juice. This was requested from the Citrus Growers and Commissioners from around the State
- Announced that Leon County received an EMS County Grant for \$50,593 for the purchase of pre-hospital activities/services, due to the efforts of Don Lanham, Grants Coordinator, and Joe Sharp, Director of Health and Human Services. The Chairman commended them on their efforts.

- Announced that the County received the United Way's Bronze Excellence Award for their efforts for the per capita given during the United Way Campaign. The Chairman thanked Ben Pingree, Vince Long, Dave Columbo, Parwez Alam and Bob Inzer for their efforts in the campaign. They received the Bronze Award.

There being no further business to come to the Board, the meeting adjourned at 10:59 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court